

To: "Matthew Liu" <matthew@youtube.com>  
From: [REDACTED]  
Cc: [REDACTED], "Chris Maxcy" <chris@youtube.com>, "Steve Chen" <steve@youtube.com>  
Bcc:  
Received Date: 2006-08-17 19:02:49 GMT  
Subject: Re: [Uncle] Result of fingerprinting on random videos

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3pm should work for me unless there are issues with vanity feature for v10 i need to work on.

See attached a detailed list of questions that i have been compiling. We need clear answers from each of these from both GN and AM.

Thanks,  
Franck

From: Franck Chastagnol <fchastagnol@youtube.com>  
Date: August 17, 2006 11:01:06 AM PDT  
Subject: Extensive list of questions for AM/GN

?

On Aug 17, 2006, at 9:58 AM, Matthew Liu wrote:

- > Perfect. We were all talking about sitting down with you in the
- > next couple of days. It actually is getting more complicated.
- > Beyond financials and negotiations, here are some concerns Franck
- > came up with in his evaluation:
- >
- > 1. AM does not seem well-equipped for allowing us to manage our own => reference database (Everyone
- > single time we want to update it we
- > need to take an image of our own ENTIRE db and SFTP it...the
- > process is not incremental and this will be a huge problem the
- > bigger our database is)
- >

- > 2. It is unclear whether AM is equipped to let us only match
- > against Warner data. They suggested we check against their entire
- > reference database and then have flags for the Warner content
- > (ignore the other matches); this is not only a hassle but probably
- > violates DMCA safe harbors.

- >
- > 3. Both AM and GN are reporting matches and what those matches are
- > but are not reporting WHO owns them. We need to figure out how to
- > get this information.

- >
- > How does 3 or 4 pm sound today?
- >
- >
- >

- > On Aug 17, 2006, at 3:28 AM, Steve Chen wrote:
- >

- >> Let's get together and talk about this tomorrow afternoon? It

DATE: 12/10/08  
DEPONENT: Chastagnol

EXHIBIT# 12

CASE: Viacom, et al., v. YouTube, et al., The Football  
Association Premier League, et al., v. YouTube, et al.,  
Case Nos. 07-CV-2203 and 07-CV-3582  
A. Ignacio Howard, CLR, RPR, CSR No. 9830

>> seems like the general consensus is that we go with AM...?

9-0002

>>

>> -s

>>

>> On Aug 16, 2006, at 3:52 PM, Matthew Liu wrote:

>>

>>> Guys,

>>>

>>> I ran through all the videos one by one. Quite a pain but I

>>> classified the videos by type to the best of my knowledge (for a

>>> few of the videos I was unsure...there were also some videos that =>>> have been removed). If we try to separate between copyright

>>> (Music Video, Live Performance, TV shows/commercials, Karaoke,

>>> Mashups, Compilations) vs. non copyright (no melody or user-

>>> generated music) the breakdown is:

>>>

>>> - Copyright - roughly 47% has some sort of copyright content in =>>> it (bits of music, anime, footage from tv commercials, etc...not

>>> all of it is necessarily infringing)

>>> - Non copyright - 50%

>>>

>>> Without a doubt, GN performs better than AM. It catches almost

>>> all music videos and mashups except for foreign songs, and also

>>> catches some live concerts. AM performs as well as GN for US

>>> music videos and mashups but does not catch live performances or

>>> karaoke very well. On the other hand, GN once again works too

>>> well in some situations.

>>>

>>> - Song used in a video game positively identified: [http://](http://www.youtube.com/watch?v=D4ClwDJGqBM)

>>> [www.youtube.com/watch?v=D4ClwDJGqBM](http://www.youtube.com/watch?v=D4ClwDJGqBM)

>>>

>>> Even more importantly, I believe that there are a couple of REAL

>>> false positives this time, not just things that we wouldn't

>>> necessarily want a copyrighter to claim.

>>>

>>> - This was identified, but as the wrong songs: [http://](http://www.youtube.com/watch?v=m3l4QKZopuA)

>>> [www.youtube.com/watch?v=m3l4QKZopuA](http://www.youtube.com/watch?v=m3l4QKZopuA)

>>> - Don't know how this one was identified unless it's the

>>> background music: <http://www.youtube.com/watch?v=ZAn9JxdXl70>

>>> - Again: <http://www.youtube.com/watch?v=37QlVvSo8bk>

>>>

>>> Thanks,

>>> Matt

>>>

>>> <result\_random\_video Matt.xls>

>>>

>>> On Aug 14, 2006, at 12:27 PM, Franck Chastagnol wrote:

>>>

>>>>

>>>> On Aug 14, 2006, at 10:02 AM, Frey Waid wrote:

>>>>

>>>>> Hi Franck,

>>>>>

>>>>> Out of curiosity, did any of the XML responses from either GN

>>>>> or AM

>>>>> contain distributor info -- Warner or otherwise? Maybe, we could

>>>>> submit something we know is Warner content (perhaps a private

>>>>> music

>>>>> file) to see if we get the distributor name in the feed.  
>>>> No, neither AM nor GN seem to send us back this info, even  
>>>> though the  
>>>> XML response has provision for returning it.  
>>>> I need to follow up with them to understand why they do not  
>>>> populate  
>>>> these fields in the response.  
>>>>  
>>>>>  
>>>>> It does seem clear to me that we will want to investigate video  
>>>>> fingerprinting technology so that we can differentiate between  
>>>>> copyrighted audio tracks and copyrighted music videos.  
>>>>> agreed, video fingerprinting would bring us to the next level.  
>>>>>  
>>>>> Also, I'm not sure we have a good solution yet for identifying  
>>>>> live  
>>>>> concerts: descriptive text filtering will almost certainly be  
>>>>> insufficient.  
>>>> AM does not do a good job at identifying music on live performance.  
>>>> GN is better.  
>>>> Now are you saying we need to differentiate copyrighted song from a  
>>>> live performance vs copyrighted song from a music video or a TV  
>>>> show ?  
>>>> Let's talk about that - I may be missing something.  
>>>>  
>>>> Thanks,  
>>>> Franck  
>>>>  
>>>>> Frey  
>>>>>  
>>>>>  
>>>>> Franck Chastagnol wrote:  
>>>>> Hi team,  
>>>>>  
>>>>> I ran both GraceNote and AudibleMagic against a random set of 133  
>>>>> videos from our site:  
>>>>> - GN identified copyrighted music in \*25.8%\* of these videos.  
>>>>> - AM identified copyrighted music in \*11.4%\* of these videos.  
>>>>>  
>>>>> This seems to confirm the results of the previous test in  
>>>>> terms of  
>>>>> matching technology: GN is superior.  
>>>>>  
>>>>> I did not have time to look at all the videos with a match but it  
>>>>> seems that in most cases, these are personal videos that users  
>>>>> edited to add music to.  
>>>>> I found only a couple of music video clips.  
>>>>>  
>>>>>  
>>>>> Now, one of the conclusion that I think we should also draw from  
>>>>> these tests is that it seems we have a pretty high percentage of  
>>>>> our content  
>>>>> that will be flagged as copyrighted as soon as we start using  
>>>>> fingerprinting technology.  
>>>>> Note that initially we will fingerprint only against Warner  
>>>>> catalog so the percentage of match will certainly be lower.  
>>>>> But as we start signing up new content partners, it will  
>>>>> increase.

9-0004

>>>>>  
>>>>>  
>>>>> All the data is available at:  
>>>>> [https://trac.sjl.youtube.com/trac/attachment/wiki/  
>>>>> FingerprintEval/  
>>>>> result\\_random\\_video.xls](https://trac.sjl.youtube.com/trac/attachment/wiki/FingerprintEval/result_random_video.xls)  
>>>>>  
>>>>> Let me know any question,  
>>>>> Franck  
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>>>>> Uncle mailing list  
>>>>> [REDACTED]  
>>>>> <https://dev.youtube.com/mailman/listinfo/uncle>  
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